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Attorneys for Defendant Western Range Association

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**CIRILO UCHARIMA ALVARADO, on behalf
of himself and all others similarly situated;**

Plaintiff,

v.

**WESTERN RANGE ASSOCIATION, a
California non-profit corporation; ELLISON
RANCHING COMPANY, a Nevada corporation;
JOHN ESPIL SHEEP CO., INC., a Nevada
corporation; F.I.M. CORP., a Nevada corporation;
THE LITTLE PARIS SHEEP COMPANY,
LLC, a Nevada limited liability company;
BORDA LAND & SHEEP COMPANY, LLC, a**

Case No. 3:22-cv-00249-MMD-CLB

**ORDER GRANTING
JOINT MOTION TO EXTEND TIME
FOR DEFENDANT WRA TO
COMPLETE PRODUCTION OF
CUSTODIAL ESI AND FOR
PLAINTIFF TO FILE AMENDED
COMPLAINT**

Nevada limited liability company; **HOLLAND RANCH, LLC**, a Nevada limited liability company; **NEED MORE SHEEP CO., LLC**, a Nevada limited liability company; and **FAULKNER LAND AND LIVESTOCK COMPANY, INC.**, an Idaho corporation,

Defendants.

Plaintiff Cirilo Ucharima Alvarado (“Plaintiff”) and Defendant Western Range Association (“WRA”), by and through their respective counsel, respectfully submit this joint motion asking the Court to briefly extend the deadline for WRA to complete its production of custodial ESI to August 30, 2024, and the deadline for Plaintiff to file his amended complaint until two weeks after WRA completes such production, or September 13, 2024.¹ As explained below, the Parties submit that the extension is warranted by the significant progress the Parties have made in recent weeks, and WRA’s good-faith effort to satisfy its discovery obligations during that time.

On July 19, 2024, the Court held a status conference, where it ordered WRA to complete its production of hit counts and custodial ESI by August 2, 2024. *See* ECF No. 209 at 2. At the status conference, the Court also reaffirmed August 15, 2024 as Plaintiff’s deadline to amend his complaint, which was set on the understanding that WRA would complete its production of discovery materials by August 2, 2024, providing Plaintiff roughly two weeks to review the completed production for purposes of amending his complaint. *Id.* The Court also ordered that if, after meeting and conferring, the parties were unable to resolve discovery issues, Plaintiff had leave to file a motion seeking relief. *Id.*

As of August 2, 2024, WRA has made significant progress toward completing its non-custodial ESI production, including with respect to structured data and other non-custodial ESI.

¹ Plaintiff requested the Ranch Defendants’ position on this motion before filing. The Ranch Defendants stated that “if the Court determines that a fourth extension of time for Plaintiff to file his amended complaint is appropriate, *see* ECF 184, 189, 194, 206, 209, the Ranch Defendants preserve their previous objections, *see* ECF 188, 191, 199, but do not oppose the request for an extension.” As Plaintiff has previously stated, he does not intend to seek additional discovery from the Ranch Defendants prior to filing an amended complaint.

1 However, WRA has not yet begun or completed the production of custodial ESI through
2 negotiated search terms, such as e-mail communications between and amongst WRA staff, WRA
3 and its member ranches (including Ranch Defendants), and WRA and other third parties.
4 Nevertheless, the parties have made tremendous progress over the past several weeks including
5 finalizing a set of search strings, custodians, and other parameters.

6 Specifically, Plaintiff sent WRA a list of seventeen proposed search terms for the
7 custodial ESI search on July 1, 2024. *See* ECF No. 208-1 at 3. On July 10, 2024, WRA's
8 counsel replied that that Plaintiff's proposed strings were duplicative, overbroad, and would
9 largely produce non-responsive materials. The same day, Plaintiff's counsel explained that
10 WRA needed to produce hit counts for the search terms for Plaintiff to evaluate WRA's concerns
11 regarding overbreadth, burden, responsiveness, or duplication. On July 12, 2024, WRA agreed
12 to run all seventeen search strings and provide hit counts. *See* ECF No. 208-1 at 20. However, it
13 took some time to collect those hit counts.

14 Following the July 19, 2024 status conference, WRA and Plaintiff have worked in earnest
15 to negotiate the search terms, refine them, and reduce the review burden on WRA, and have been
16 in touch almost daily since that date. On July 29, WRA informed Plaintiff that there were
17 technical issues with the search terms provided on July 1. Salahi Decl. ¶ 5. Plaintiff addressed
18 those issues the same day. *Id.* Between July 29, 2024 and August 7, 2024, counsel for Plaintiff
19 and counsel for WRA communicated almost daily by e-mail, phone, or video conference on a
20 variety of search-related topics. *Id.* ¶ 5. To facilitate the search process and reduce burden on
21 WRA, the parties discussed custodians and their roles at WRA, troubleshoot syntax issues relating
22 to specific search strings, and negotiated the exclusion of certain email domains less likely to
23 contain relevant information. *Id.* ¶ 6. Through this process, the parties agreed to reduce the
24 number of custodians, revise the search terms, and come up with other work arounds to refine the
25 searches to exclude as much irrelevant material as possible and to ensure that WRA's review
26 burden was not disproportionate to the needs of the case. *Id.* As a result, the parties were able to
27 successfully reduce the volume of custodial ESI materials to be reviewed by WRA by nearly

1 90%. *Id.*

2 On the morning of August 7, WRA and Plaintiff met and conferred about the latest set of
3 search strings and reached final agreement. Salahi Decl. ¶ 7. WRA confirmed that, in light of
4 the Court's prior guidance, the bulk of its review will be focused on privilege. *Id.* To expedite
5 the production process, WRA plans to segregate email communications involving law firm e-
6 mail domains for later privilege review, and to prioritize production of email communications
7 involving non-law firm domains before those potentially privileged communications involving
8 lawyers. *Id.* Now that search parameters for custodial ESI have been agreed upon by WRA and
9 Plaintiff, WRA estimates it will be able to produce all custodial ESI, including a supplemental
10 privilege log, by August 30, 2024. *Id.*

11 Although WRA was unable to meet the court-set deadline of August 2, 2024 to produce
12 custodial ESI (but believes it has done so with respect to non-custodial ESI), the parties have met
13 and conferred productively since the Court's last status conference and real progress has been
14 made and will continue to be made. For these reasons, Plaintiff and WRA respectfully ask the
15 Court to modify the deadline for WRA to produce custodial ESI (from August 2 to August 30,
16 2024), and the deadline for Plaintiff to file an amended complaint (from August 15 to September
17 13, 2024). The parties' request to extend Plaintiff's deadline until two weeks after WRA's
18 anticipated date to complete production of custodial ESI is consistent with the Court's reasoning
19 in its July 19, 2024 order, which envisioned a period of two weeks for Plaintiff to review WRA's
20 completed production for purposes of amending his complaint.

21 This is the first joint request by Plaintiff and WRA for an extension of time to extend
22 deadlines since the Court's July 19, 2024 order, the first request for an extension of WRA's
23 deadline to produce custodial ESI, and Plaintiff's fourth request to extend the deadline to amend
24 his complaint, all previous extensions of which were granted due to the pace of discovery
25 production. The parties do not expect that additional extensions will be needed for the ESI
26 production or amended complaint.

1
2 Dated: August 8, 2024

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3 /s/ Yaman Salahi

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20 Dated: August 8, 2024

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22 /s/ David B. Witkin

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IT IS SO ORDERED.

DATED: August 9, 2024



UNITED STATES MAGISTRATE JUDGE